

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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|--|---|-------------------------------|
| STATE OF TEXAS, | § | |
| | § | |
| Plaintiff, | § | |
| | § | No: 03:17-CV-00179-PRM |
| v. | § | |
| | § | |
| YSLETA DEL SUR PUEBLO, THE TRIBAL COUNCIL, THE TRIBAL GOVERNOR MICHAEL SILVAS or his SUCCESSOR, | § | |
| | § | |
| Defendants. | § | |
| | § | |
| | § | |
| YSLETA DEL SUR PUEBLO, THE TRIBAL COUNCIL, THE TRIBAL GOVERNOR MICHAEL SILVAS or his SUCCESSOR, | § | |
| | § | |
| Counter-Plaintiffs, | § | |
| | § | |
| v. | § | |
| | § | |
| KEN PAXTON, in his OFFICIAL CAPACITY AS THE TEXAS ATTORNEY GENERAL, | § | |
| | § | |
| Counter-Defendant. | § | |
| | § | |

PUEBLO DEFENDANTS' REQUEST FOR HEARING

COME NOW Defendants and Counter-Plaintiffs Ysleta del Sur Pueblo, The Tribal Council, and The Tribal Governor or his Successor (collectively, the “Pueblo Defendants” or “Pueblo”) to file their Request for Hearing, and respectfully show the Court as follows:

1. The Original Complaint in this case was filed on June 6, 2017. From that time until March 13, 2019, the Pueblo Defendants were represented by Randolph H. Barnhouse, Michelle T.

Miano, and the law firm of Barnhouse Keegan Solimon & West LLP, and Richard Bonner, Joseph Austin, and the law firm of Kemp Smith LLP (“Prior Counsel”).

2. On February 14, 2019, this Court entered a Memorandum and Order granting the State’s Motion for Summary Judgment (ECF No. 183, the “Order”).

3. On March 13, 2019, Brant C. Martin and Joseph R. Callister of the law firm of Wick Phillips Gould & Martin LLP (“New Counsel”) substituted in as new counsel for the Pueblo Defendants in this case.

4. New Counsel has never appeared before the Court in this case, and request a hearing to address critical issues raised in the following recent filings that address the Court’s rulings in the Order:

- a. The Pueblo Defendants’ Opposed Motion and Memorandum in Support of Motion for Reconsideration of Order Granting Motion for Summary Judgment (the “Motion for Reconsideration”; ECF No. 187);
- b. The Pueblo Defendants’ Motion and Memorandum in Support of Motion to Stay Judgment and Injunction Pending Appeal (the “Motion to Stay”; ECF No. 197); and
- c. The Pueblo’s Defendants’ Response to Plaintiff’s Notice of Authority and Notice of Additional Authority (the “Notice of Authority”; ECF No. 198).

5. Given the substantial impact of the Order on the members of the Pueblo, and the novel legal issues raised in these filings, New Counsel requests the opportunity to appear before the Court for argument prior to any ruling on these motions or entry of an injunction in this case.

6. This Request for Hearing is not filed for purposes of delay, but rather in the interest of justice.

Dated March 22, 2019.

Respectfully submitted,

/s/ Brant. C. Martin

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Attorneys for Pueblo Defendants/Counter-Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2019, I caused a true and correct copy of the foregoing to be served on all counsel of record by email through the Court's CM/ECF system.

/s/Brant C. Martin

Brant C. Martin